

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FRANK CARBONE, ANDREW CORZO, SAVANNAH  
ROSE EKLUND, SIA HENRY, ALEXANDER LEO,  
MICHAEL MAERLENDER, BRANDON PIYEVSKY,  
and BRITTANY TATIANA WEAVER, individually and  
on behalf of all others similarly situated,

*Plaintiffs,*

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE OF  
TECHNOLOGY, UNIVERSITY OF CHICAGO, THE  
TRUSTEES OF COLUMBIA UNIVERSITY IN THE  
CITY OF NEW YORK, CORNELL UNIVERSITY,  
TRUSTEES OF DARTMOUTH COLLEGE, DUKE  
UNIVERSITY, EMORY UNIVERSITY,  
GEORGETOWN UNIVERSITY, THE JOHNS  
HOPKINS UNIVERSITY, MASSACHUSETTS  
INSTITUTE OF TECHNOLOGY, NORTHWESTERN  
UNIVERSITY, UNIVERSITY OF NOTRE DAME DU  
LAC, THE TRUSTEES OF THE UNIVERSITY OF  
PENNSYLVANIA, WILLIAM MARSH RICE  
UNIVERSITY, VANDERBILT UNIVERSITY, and  
YALE UNIVERSITY,

*Defendants.*

Case No.: 1:22-cv-00125

**CERTAIN DEFENDANTS' UNOPPOSED MOTION TO SEAL PORTIONS OF  
OPPOSITION TO PLAINTIFFS' MOTION TO MODIFY CASE MANAGEMENT  
ORDER #1**

Pursuant to the Amended Confidentiality Order in this case (ECF No. 416-1) and Local Rule 26.2, Defendants California Institute of Technology, Cornell University, Georgetown University, The Johns Hopkins University, Massachusetts Institute of Technology, University of Notre Dame du Lac, and the Trustees of the University of Pennsylvania (collectively, "Certain Defendants") respectfully request that the Court grant this Motion to File Under Seal a section of their Opposition to Plaintiffs' Motion to Modify Case Management Order #1 (the "Sealing Motion"). In support of this Sealing Motion, Certain Defendants state as follows:

### **LEGAL STANDARD**

1. The Seventh Circuit has long recognized that “[i]nformation that affects the disposition of litigation belongs in the public record *unless* a statute or privilege justifies nondisclosure,” and documents containing confidential information may be sealed. *United States v. Foster*, 564 F.3d 852, 853 (7th Cir. 2009) (emphasis added). A court may enter an order directing a document or portion of a document be shielded from public disclosure upon a showing of “good cause.” *See, e.g., Bond v. Utreras*, 585 F.3d 1061, 1074 (7th Cir. 2009).

### **DISCUSSION**

2. “[A] court may for good cause shown enter an order directing that one or more documents be filed under seal.” Loc. R. 26.2(b).

3. On November 15, 2023, Plaintiffs filed a Motion to Modify Case Management Order #1 (“Plaintiffs’ Motion”) (ECF No. 500). Plaintiffs accompanied their Motion with an unopposed motion to seal (ECF No. 498), which the Court granted on November 16, 2023 (ECF No. 504).

4. Certain Defendants move to place a section of their Opposition to Plaintiffs’ Motion under seal because it discusses and references highly sensitive information that the Parties have not made publicly available and that should remain under seal, as provided for in the Amended Confidentiality Order (ECF No. 416-1). Further, the information sought to be sealed is quoted from or references language in Plaintiffs’ Motion to Modify Case Management Order #1 [ECF No. 499], which has already been ordered sealed by the Court [ECF No. 504].

5. In accordance with Local Rule 26.2(c), Certain Defendants’ Opposition to Plaintiffs’ Motion will continue to be provisionally under seal, but an unredacted version will be provided to counsel of record and the Court. In addition, a redacted “public-record” version will be filed via the ECF system within 14 days.

6. Plaintiffs do not oppose this motion.

**CONCLUSION**

For the foregoing reasons, Certain Defendants respectfully request that the Court grant this Motion to Seal and enter an order permitting Certain Defendants to file a “public-record” version of their Opposition to Plaintiffs’ Motion with the section redacted.

Dated: November 22, 2023

Respectfully submitted,

By: /s/ Matthew Kutcher

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